

Exhibit 2 to the Complaint.

**U.S. Patent No. US 8,224,700 v. Darden Restaurants, Inc.  
d/b/a  
Olive Garden – as an Example of other Darden Restaurants  
Claims 1, 2, 3, and 9 Exemplary**

Exhibit 2 to the Complaint.

## 1. Claim Chart

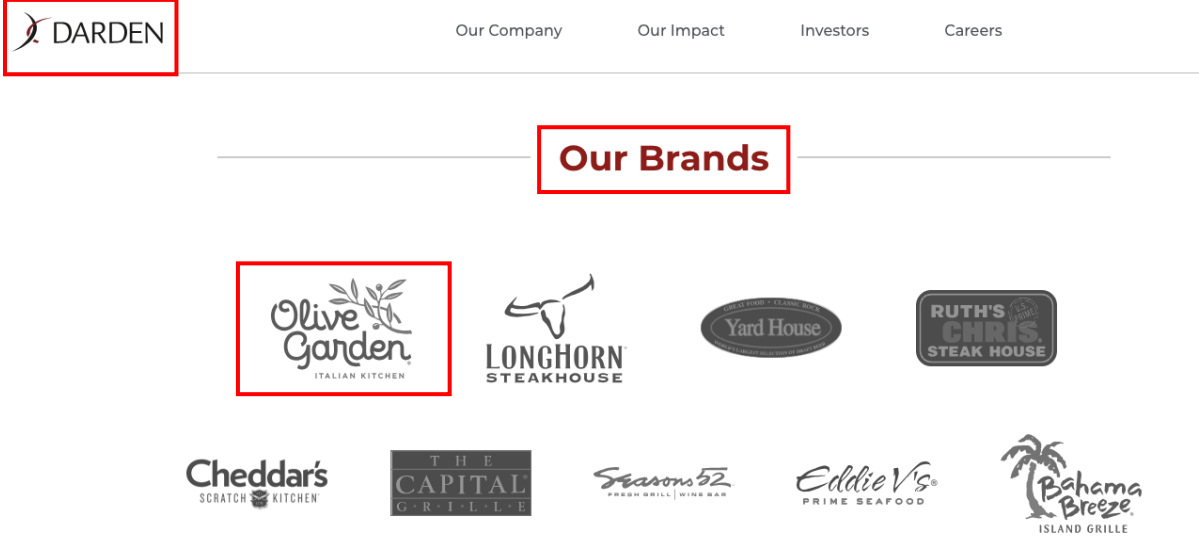
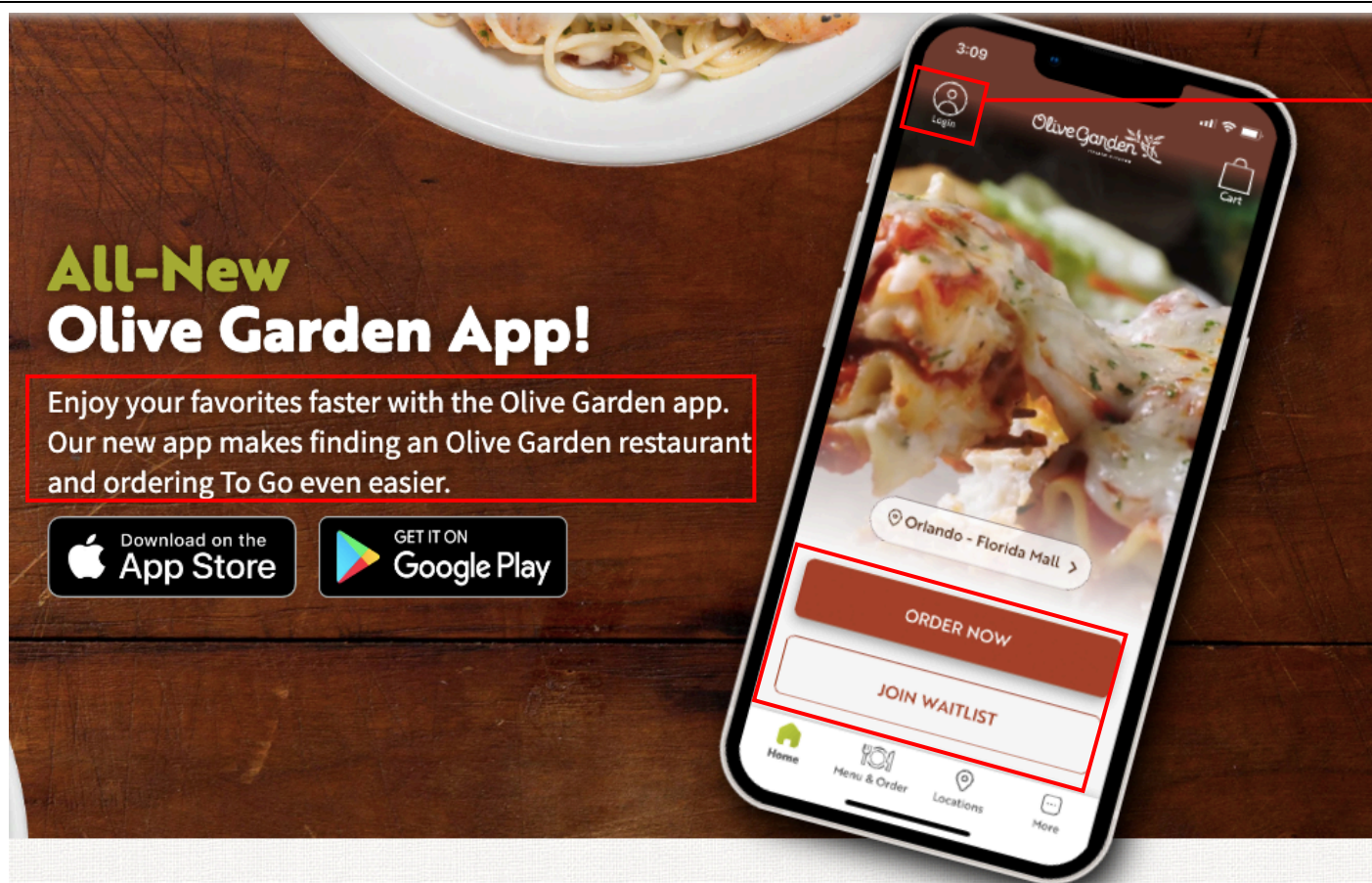
Claim	Analysis
<p>[1.P] A method of restaurant customer management, comprising: logging a customer unit into a restaurant pre-dining system with a mobile phone of the customer unit;</p>	<p>Olive Garden (“Company”) performs and/or induces others to perform a method of restaurant customer management, comprising: logging a customer unit into a restaurant pre-dining system with a mobile phone of the customer unit.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Company provides an Olive Garden application ("restaurant customer management") which is installed on various devices such as smartphones, and tablets (“mobile phone”). Further, the application allows users ("customer unit") to sign in to the application ("logging a customer unit into a restaurant pre-dining system") and perform various functionalities such as finding nearby Olive Garden locations, viewing menus, and making reservations.</p>  <p>Source: <a href="https://www.darden.com/">https://www.darden.com/</a></p>

Exhibit 2 to the Complaint.



logging a  
customer  
unit into  
a  
restaurant  
pre-  
dining  
system

Source: <https://www.olivegarden.com/app> (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

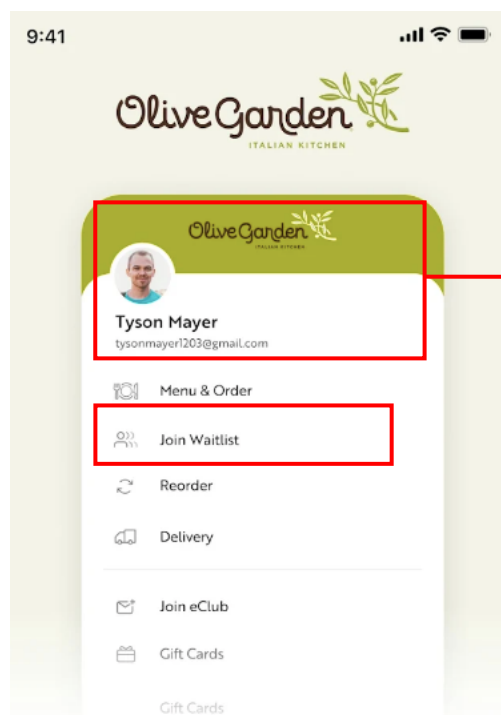
## Exhibit 2 to the Complaint.

[1.1]  
responsive to  
logging the  
customer unit  
into the  
restaurant  
pre-dining  
system,  
placing the  
customer unit  
on a waiting  
list for a  
table;

Company performs and/or induces others to perform a method of placing the customer unit on a waiting list for a table, responsive to logging the customer unit into the restaurant pre-dining system.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, after the process of signing in, the user is provided with an option to join a waiting list based on the availability of the table.



User signed into the application

Source: [https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en\\_US](https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en_US) (annotated)

Exhibit 2 to the Complaint.

	<div data-bbox="445 250 968 347" data-label="Section-Header"> <h2>JOIN THE WAITLIST</h2> </div> <div data-bbox="445 354 1079 448" data-label="List-Group"> <ul style="list-style-type: none"> <li>• Check the current wait times for your Olive Garden</li> <li>• Quickly add your name to the waitlist</li> </ul> </div> <div data-bbox="445 448 1493 565" data-label="List-Group"> <ul style="list-style-type: none"> <li>• When you arrive, check in with the host</li> <li>• Your table may not be ready immediately upon arrival, but your spot on the waitlist will get you seated sooner</li> </ul> </div> <div data-bbox="453 597 802 675" data-label="Text"> <p><b>CHECK WAIT TIMES</b></p> </div> <div data-bbox="403 685 953 722" data-label="Text"> <p>Source: <a href="https://www.olivegarden.com/app">https://www.olivegarden.com/app</a></p> </div> <div data-bbox="403 758 1936 834" data-label="Text"> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p> </div>
<p>[1.2] paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit;</p>	<p>Company performs and/or induces others to perform a method of paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, when the user joins the waitlist, the application displays the estimated wait time. Since the application displays the estimated wait time, therefore, upon information and belief, the user is notified when the table is ready via the application installed on the user's smartphone.</p>

Exhibit 2 to the Complaint.

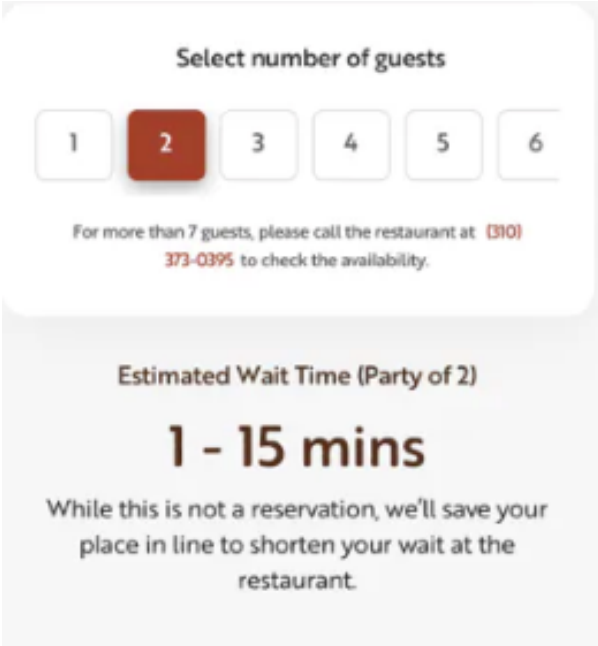
	 <p>Source: <a href="https://www.olivegarden.com/app">https://www.olivegarden.com/app</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[1.3] sending an interactive restaurant menu to the mobile phone; receiving at least one customer request of at</p>	<p>Company performs and/or induces others to perform the method of sending an interactive restaurant menu to the mobile phone and receiving at least one customer request of at least one service of the restaurant from the mobile phone.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the application allows the user to access the restaurant menu ("an interactive restaurant menu to the mobile phone") and order a food item from the displayed restaurant menu ("receiving at least one customer request of at least one service").</p>

Exhibit 2 to the Complaint.

<p>least one service of the restaurant from the mobile phone;</p>	<div data-bbox="403 259 903 974"></div> <p>Source: <a href="https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US">https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US</a></p>
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Exhibit 2 to the Complaint.

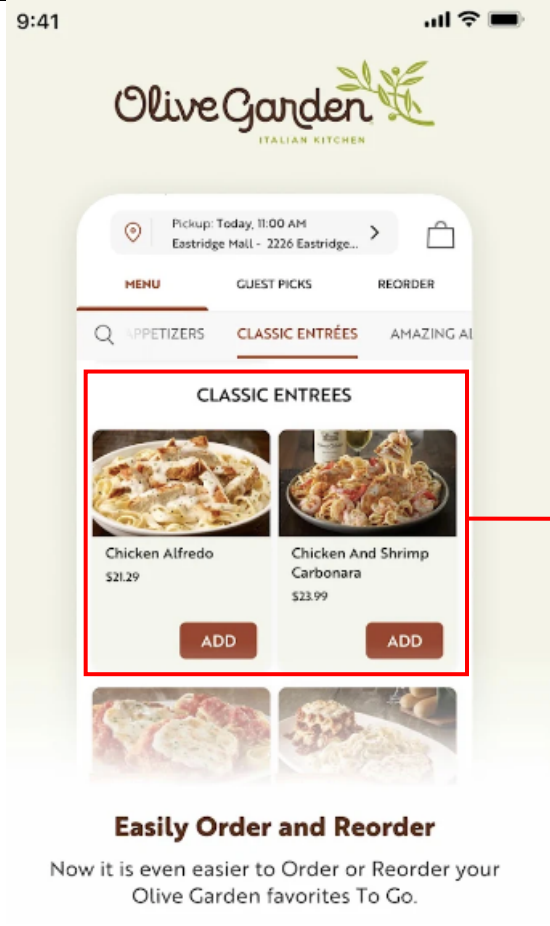
	<div data-bbox="405 240 951 1161">  </div> <div data-bbox="1024 719 1299 784" style="color: red;"> <p>Interactive restaurant menu</p> </div> <p>Source: <a href="https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US">https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US</a> (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[1.4] uploading, by a post-dining</p>	<p>Company performs and/or induces others to perform the method of uploading, by a post-dining system of the restaurant, a bill for the at least one service from a point of sale system of the restaurant to the mobile phone.</p>



Exhibit 2 to the Complaint.

system of the restaurant, a bill for the at least one service from a point of sale system of the restaurant to the mobile phone; and

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, after completion of the order, the user receives the bill for the meal (“a bill for the at least one service”) through the application installed on the user’s smartphone. Further, the Olive Garden restaurants utilize a point-of-sale system that allows the users to pay from their table. Therefore, upon information and belief, the bill is uploaded from the point-of-sale system of the restaurant to the application.

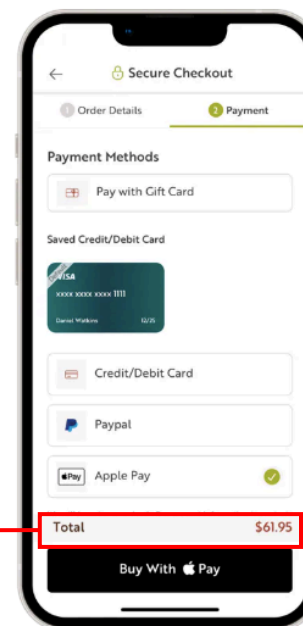
## PAYMENTS & GIFT CARDS

- Order faster and save your preferred payment
- Use, save and reload gift cards to your profile

CREATE AN ACCOUNT



Uploading a bill for  
at least one service



Source: <https://www.olivegarden.com/app> (annotated)

We are subject to laws relating to information security, privacy, cashless payments and consumer credit, protection and fraud. An increasing number of governments and industry groups worldwide have established data privacy laws and standards for the protection of personal information, including social security numbers, financial information (including credit card numbers), and health information. As a merchant and service provider of point-of-sale services, we are also subject to the Payment Card Industry Data Security Standard issued by the Payment Card Industry Council (PCI DSS).

Exhibit 2 to the Complaint.

	<p>Source: <a href="https://www.darden.com/sites/default/files/2022-08/2022%20Letter%20to%20Shareholders%20and%20Annual%20Report.pdf">https://www.darden.com/sites/default/files/2022-08/2022%20Letter%20to%20Shareholders%20and%20Annual%20Report.pdf</a>, Page 12</p> <div style="border: 2px solid red; padding: 10px;"> <p><b>OLIVE GARDEN DEPLOYING SELF-SERVICE POINTS-OF-SALE:</b> Olive Garden is <u>overhauling</u> its point-of-sale (POS) devices and migrating to self-service tabletop tablets. The food chain is deploying Ziosk POS systems at a select number of restaurants, with plans for a full rollout by the end of the year. Ziosk provides Android-based POS tablets. These tablets will be placed at each table, and will allow diners to pay for their meal from their seat without notifying the wait staff. The tablet will circumvent the issue of customers failing to pay by flashing a red light when the payment is being processed, and a green light once the payment has been confirmed, Austen Mulinder, CEO of Ziosk, <u>told CNBC</u>. The status of the table will also be visible to the waiters, according to Mulinder.</p> </div> <p>Source: <a href="https://www.businessinsider.com/olive-garden-overhauls-points-of-sale--prosper-and-ondeck-partner--chinas-unique-alternative-lending-market-2015-4?IR=T#:~:text=The%20food%20chain%20is%20deploying,without%20notifying%20the%20wait%20staff.">https://www.businessinsider.com/olive-garden-overhauls-points-of-sale--prosper-and-ondeck-partner--chinas-unique-alternative-lending-market-2015-4?IR=T#:~:text=The%20food%20chain%20is%20deploying,without%20notifying%20the%20wait%20staff.</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
[1.5] performing a customer self-checkout whereby	<p>Company performs and/or induces others to perform the method of performing a customer self-checkout whereby payment for the at least one service is submitted by the customer unit via the mobile phone to the point of sale system.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p>

Exhibit 2 to the Complaint.

payment for the at least one service is submitted by the customer unit via the mobile phone to the point of sale system.

For example, after the user receives the bill, the application allows the user to pay through a secure checkout option (“customer self-checkout”). Therefore, upon information and belief, the payment is submitted to the point of sale system.

## PAYMENTS & GIFT CARDS

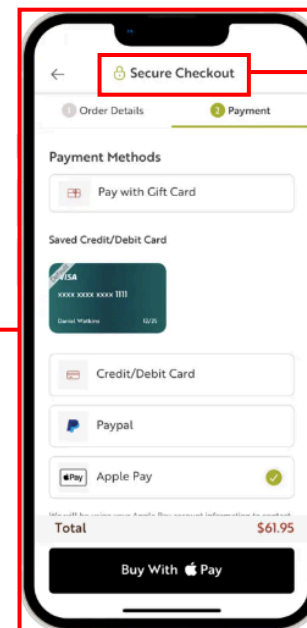
- Order faster and save your preferred payment
- Use, save and reload gift cards to your profile

**CREATE AN ACCOUNT**



Source: <https://www.olivegarden.com/app> (annotated)

payment for the at least one service is submitted via the mobile phone



Self - checkout

Exhibit 2 to the Complaint.

	<p><b>OLIVE GARDEN DEPLOYING SELF-SERVICE POINTS-OF-SALE:</b> Olive Garden is <u>overhauling</u> its point-of-sale (POS) devices and migrating to self-service tabletop tablets. The food chain is deploying Ziosk POS systems at a select number of restaurants, with plans for a full rollout by the end of the year. Ziosk provides Android-based POS tablets. These tablets will be placed at each table, and will allow diners to pay for their meal from their seat without notifying the wait staff. The tablet will circumvent the issue of customers failing to pay by flashing a red light when the payment is being processed, and a green light once the payment has been confirmed, Austen Mulinder, CEO of Ziosk, <u>told CNBC</u>. The status of the table will also be visible to the waiters, according to Mulinder.</p> <p>Source: <a href="https://www.businessinsider.com/olive-garden-overhauls-points-of-sale--prosper-and-ondeck-partner--chinas-unique-alternative-lending-market-2015-4?IR=T#:~:text=The%20food%20chain%20is%20deploying,without%20notifying%20the%20wait%20staff.">https://www.businessinsider.com/olive-garden-overhauls-points-of-sale--prosper-and-ondeck-partner--chinas-unique-alternative-lending-market-2015-4?IR=T#:~:text=The%20food%20chain%20is%20deploying,without%20notifying%20the%20wait%20staff.</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[2] The method of claim 1 wherein the customer unit is a single group of people.</p>	<p>Company performs and/or induces others to perform the method of claim 1, wherein the customer unit is a single group of people.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the application allows the user to select the number of guests ("single group of people") before reserving a table.</p>

Exhibit 2 to the Complaint.

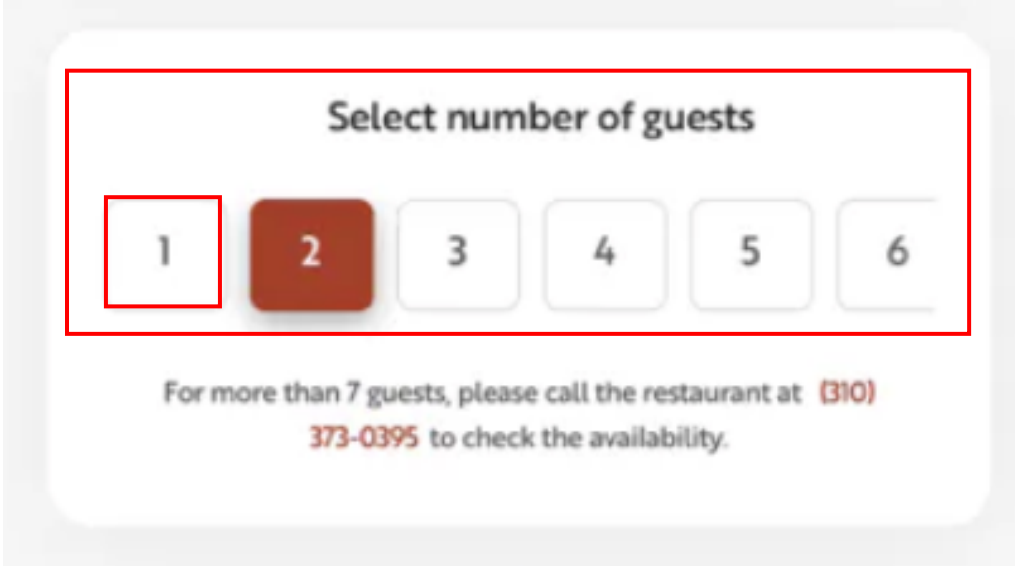
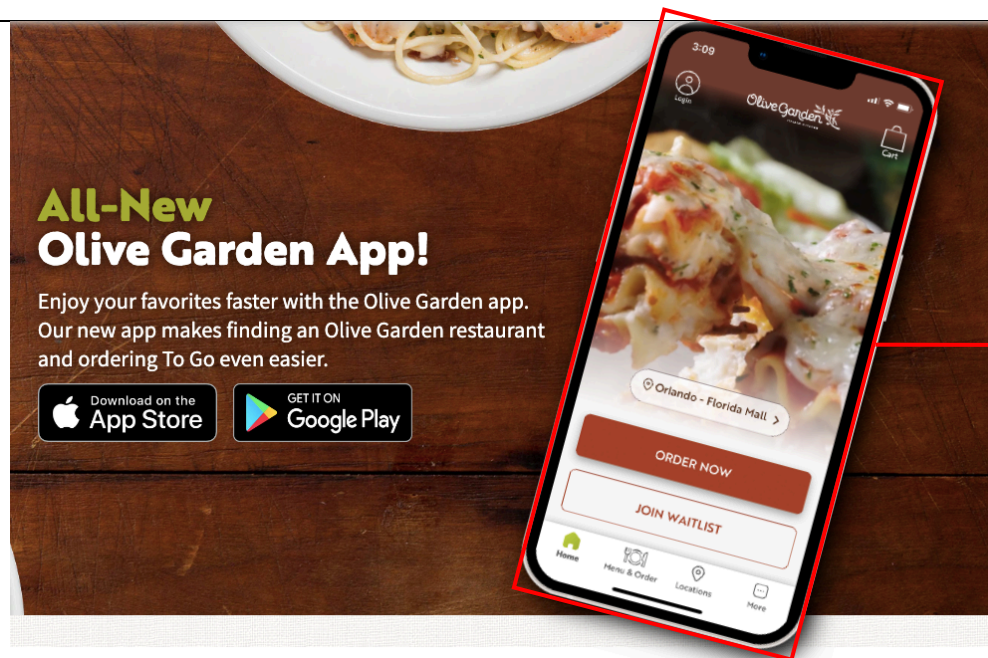
	 <p>Source: <a href="https://www.olivegarden.com/app">https://www.olivegarden.com/app</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[3] The method of claim 1 wherein the mobile phone is implemented in a wireless enabled handheld computer.</p>	<p>Company performs and/or induces others to perform the method of claim 1, wherein the mobile phone is implemented in a wireless-enabled handheld computer.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Olive Garden application is installed on various devices such as smartphones, and tablets which are wireless-enabled handheld computers.</p>

Exhibit 2 to the Complaint.



Wireless enabled  
handheld computer.

Source: <https://www.olivegarden.com/app> (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

[9.P] A restaurant customer management system that manages customer data elements, the system comprising:

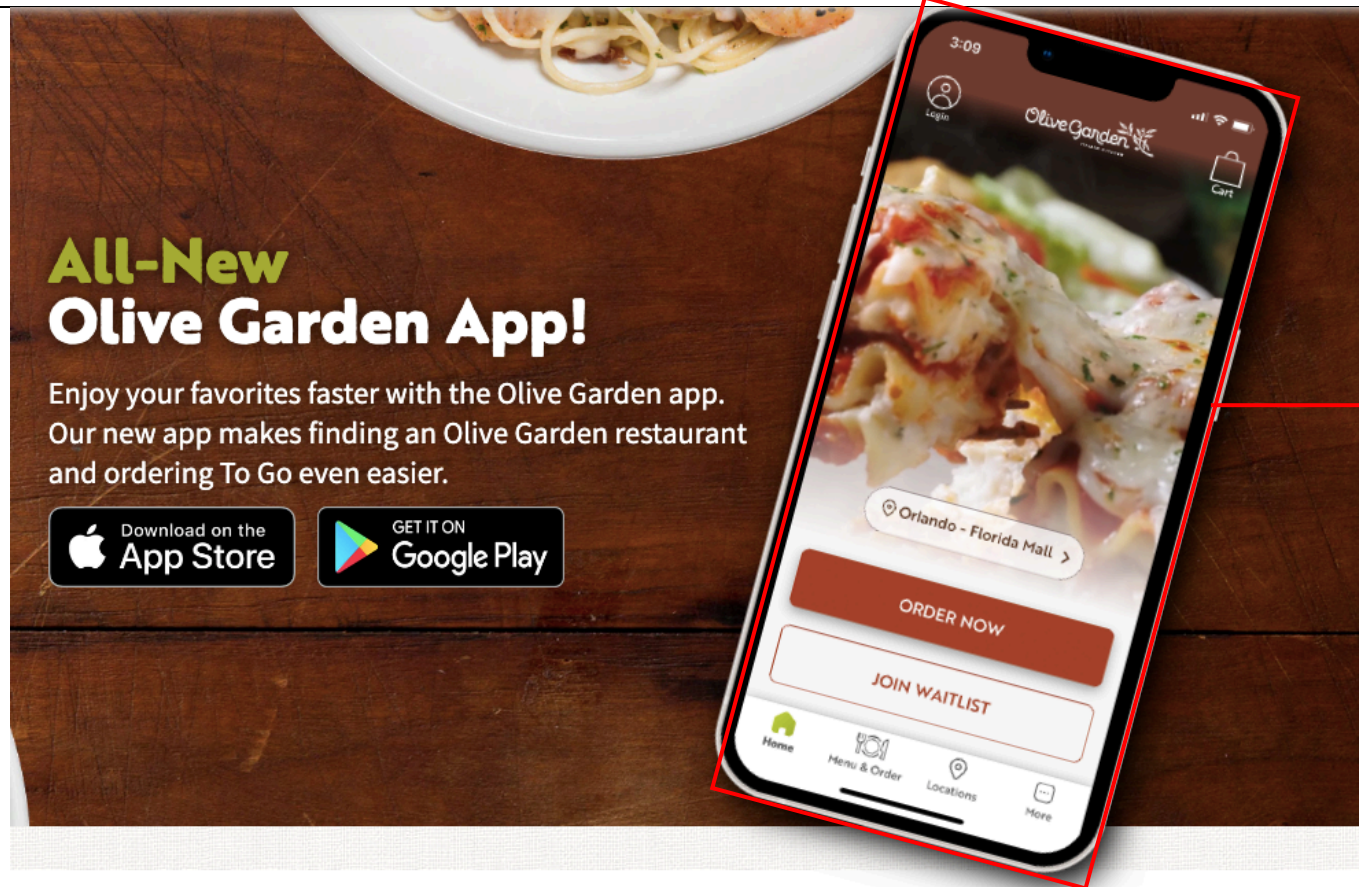
Company ("Olive Garden") makes, uses, sells, and/or offers to sell a restaurant customer management system that manages customer data elements.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, Company provides an Olive Garden application ("restaurant customer management") which is installed on various devices such as smartphones, and tablets ("system"). Further, the application allows users to perform various functionalities such as finding nearby Olive Garden locations, viewing menus, and making reservations ("customer data elements").



Exhibit 2 to the Complaint.



Restaurant  
customer  
management  
system

Source: <https://www.olivegarden.com/app> (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

<p>[9.1] a software program that receives at least one</p>	<p>Company provides a software program that receives at least one customer request of at least one service from a restaurant from a mobile phone of a customer unit.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p>
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Exhibit 2 to the Complaint.

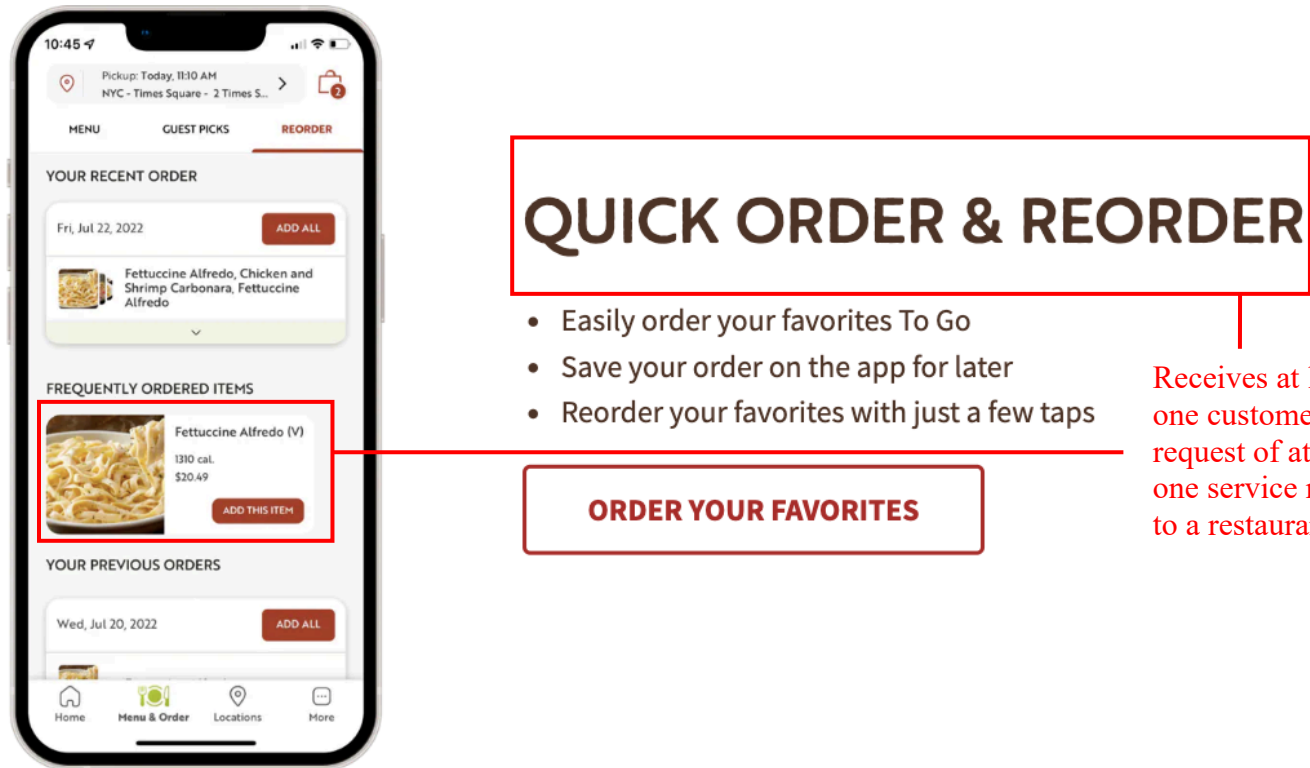
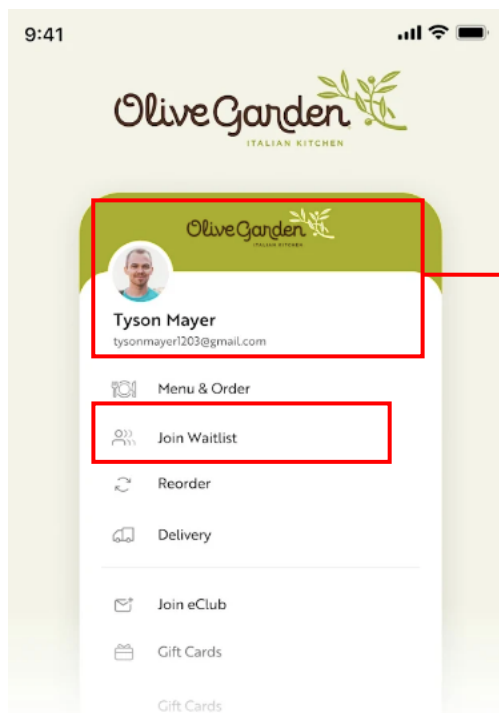
<p>customer request of at least one service from a restaurant from a mobile phone of a customer unit;</p>	<p>For example, the application ("software program") allows users to order a meal from the restaurant menu displayed within the application ("receives at least one customer request of at least one service related to a restaurant menu").</p>  <p>Source: <a href="https://www.olivegarden.com/app">https://www.olivegarden.com/app</a> (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[9.2] a restaurant pre-dining system that</p>	<p>Company provides a restaurant pre-dining system that logs in the customer unit that issues the customer request and pages the mobile phone thereby notifying the customer unit that a table is ready for the customer unit.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p>



Exhibit 2 to the Complaint.

logs in the customer unit that issues the customer request and pages the mobile phone thereby notifying the customer unit that a table is ready for the customer unit;

For example, the application allows users ("customer unit") to sign in to the application ("logs in the customer unit"), and join a waiting list ("restaurant pre-dining system that issues the customer request") based on the availability of the table. When the user joins the waitlist, the application displays the estimated wait time ("pages the mobile phone"). Since the application displays the estimated wait time, therefore, upon information and belief, the user is notified when the table is ready.



User signed into the application

Source: [https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en\\_US](https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en_US) (annotated)

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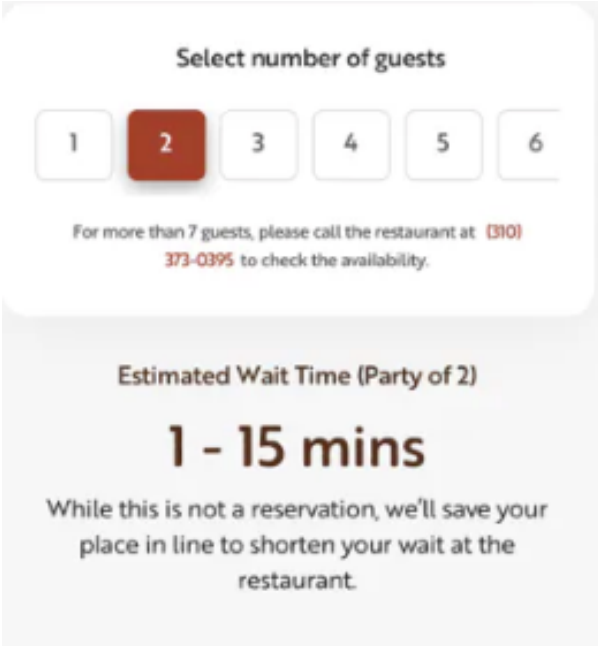
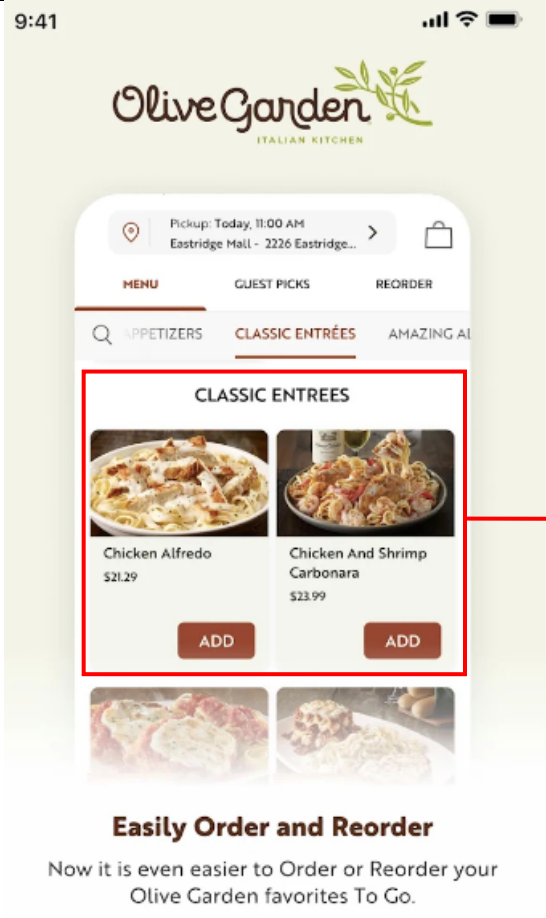
	 <p>Source: <a href="https://www.olivegarden.com/app">https://www.olivegarden.com/app</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[9.3] a dining system that sends an interactive restaurant menu to the mobile phone;</p>	<p>Company provides a dining system that sends an interactive restaurant menu to the mobile phone.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the application allows the user to access the restaurant menu ("an interactive restaurant menu to the mobile phone") and order a food from the displayed restaurant menu.</p>

Exhibit 2 to the Complaint.

	<div data-bbox="407 240 949 1153">  </div> <div data-bbox="1024 716 1299 784" style="color: red;"> <p>Interactive restaurant menu</p> </div> <p>Source: <a href="https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US">https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&amp;hl=en_US</a> (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[9.4] customer managed</p>	<p>a Company provides a customer managed post-dining system that uploads a bill for the at least one service from a point of sale system of the restaurant to the mobile phone and performs a customer self-check out and payment processing-</p>

## Exhibit 2 to the Complaint.

post-dining system that uploads a bill for the at least one service from a point of sale system of the restaurant to the mobile phone and performs a customer self-check out and payment processing-whereby payment for the at least one service is submitted by the customer unit via the mobile phone to the point of sale system.

whereby payment for the at least one service is submitted by the customer unit via the mobile phone to the point of sale system.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, after completion of the order, the user receives the bill for the ordered meal (“bill for the at least one service”) through the Olive Garden application installed on the user’s smartphone. Further, the application allows the user to pay the bill through a secure checkout option (“customer self-checkout and payment processing for at least one service”). Furthermore, the Olive Garden restaurants utilize a point-of-sale system that allows users to pay from their table, therefore, upon information and belief, there is a customer-managed post-dining system that uploads a bill from the point-of-sale system of the restaurant to the application such that the payment is submitted to the point-of-sale system through the application.

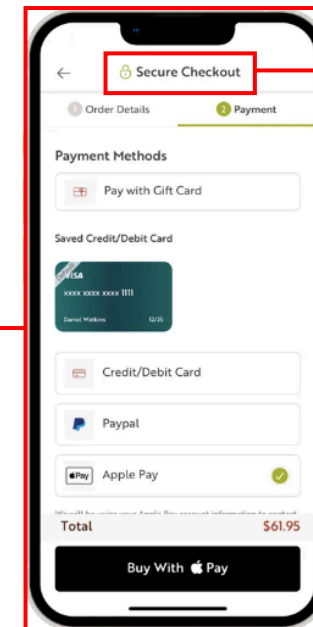
## PAYMENTS & GIFT CARDS

- Order faster and save your preferred payment
- Use, save and reload gift cards to your profile

**CREATE AN ACCOUNT**



Source: <https://www.olivegarden.com/app> (annotated)



Self -  
checkout

payment for the at  
least one service is  
submitted via the  
mobile phone

Exhibit 2 to the Complaint.

We are subject to laws relating to information security, privacy, cashless payments and consumer credit, protection and fraud. An increasing number of governments and industry groups worldwide have established data privacy laws and standards for the protection of personal information, including social security numbers, financial information (including credit card numbers), and health information. As a merchant and service provider of point-of-sale services, we are also subject to the Payment Card Industry Data Security Standard issued by the Payment Card Industry Council (PCI DSS).

Source: <https://www.darden.com/sites/default/files/2022-08/2022%20Letter%20to%20Shareholders%20and%20Annual%20Report.pdf>, Page 12

**OLIVE GARDEN DEPLOYING SELF-SERVICE POINTS-OF-SALE:** Olive Garden is overhauling its point-of-sale (POS) devices and migrating to self-service tabletop tablets. The food chain is deploying Ziosk POS systems at a select number of restaurants, with plans for a full rollout by the end of the year. Ziosk provides Android-based POS tablets. These tablets will be placed at each table, and will allow diners to pay for their meal from their seat without notifying the wait staff. The tablet will circumvent the issue of customers failing to pay by flashing a red light when the payment is being processed, and a green light once the payment has been confirmed, Austen Mulinder, CEO of Ziosk, told CNBC. The status of the table will also be visible to the waiters, according to Mulinder.

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Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

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## 2. List of References

1. <https://www.darden.com/>, last accessed on 28 December, 2023.
2. <https://www.olivegarden.com/app>, last accessed on 28 December, 2023.
3. [https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en\\_US](https://play.google.com/store/apps/details?id=com.darden.mobile.olivegarden&hl=en_US), last accessed on 28 December, 2023.
4. <https://www.businessinsider.com/olive-garden-overhauls-points-of-sale--prosper-and-ondeck-partner--chinas-unique-alternative-lending-market-2015-4?IR=T#:~:text=The%20food%20chain%20is%20deploying,without%20notifying%20the%20wait%20staff.>, last accessed on 28 December, 2023.
5. <https://www.darden.com/sites/default/files/2022-08/2022%20Letter%20to%20Shareholders%20and%20Annual%20Report.pdf>, last accessed on 28 December, 2023.